

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-cr-00153-RJC

| | | |
|---------------------------|---|--------------|
| USA, |) | |
| |) | |
| Plaintiff, |) | <u>ORDER</u> |
| |) | |
| vs. |) | |
| |) | |
| ZACHARY NATHANIEL GRAVES, |) | |
| Defendant. |) | |

THIS MATTER is before the Court upon letter of the defendant pro se to alter his Judgment and set restitution payments, (Doc. No. 95), and the government's response in opposition, (Doc. No. 96).

At sentencing, the Court ordered that the defendant and his robbery co-conspirators would be jointly and severally liable for restitution and recommended participation in the Inmate Financial Responsibility Program (IFRP). (Doc. No. 80: Judgment at 2, 5). The defendant requests that the Court alter the Judgment to assign him an individual share of the restitution. However, the defendant has not shown the Court has authority to alter the Judgment, which became final before the filing of the motion.

He also requests that the Court set the amount of his restitution payment while he is in custody. Participation in the IFRP is voluntary, and an inmate becomes eligible for certain benefits by his involvement in the program. 28 C.F.R. § 545.11 et seq. A team at a prison facility considers an inmate's financial

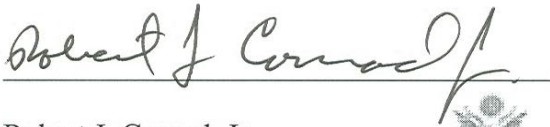
information, monitors the amount of money in his trust account, and determines the required monthly payment for participation in the program.

Assessment of the defendant's financial situation is most properly left to the discretion of the Bureau of Prisons. The defendant has the choice of whether to remain in the program or challenge its execution through administrative remedies.

IT IS, THEREFORE, ORDERED, that the defendant's request to alter the judgment, (Doc. No. 95), is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: January 3, 2024

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

